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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/496,549

02/02/2000

GEORGE KING

96P7613US03

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7590

10/05/2005

Siemens Corporation  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER

QURESHI, AFSAR M

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/496,549

Applicant(s)

KING, GEORGE

Examiner

Afsar M. Qureshi

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 32,37-39 and 41-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32,37-39 and 41-47 is/are rejected.
- 7) ☒ Claim(s) 46 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. This action is responsive to amendment received on 9/16/2005. Per request claims 33-36 and 40 are cancelled and new claims 41-47 are added.

***Claim Objections***

2. Claim 46 is objected to under 37 CFR 1.75(c), as being of improper dependent form. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form.

Claim 46 depends on claim 44. However, claim 46 appears to be an apparatus claim wherein claim 44, is a method claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 32, 37-39 and 41-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over McHale (US 5,668,857) in view of Farris (US 6,064,653).

Claims 32, 37-39. McHale discloses a method and apparatus for routing a digital data call on a subscriber line (see figure 1) received at splitter 50 (termination unit) in a

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central office 14. The digital data is sent to router 60 via data line 54 that is external to the switch 56 (see col. 2, lines 31-37, col. 4, lines 22-36). McHale discloses assigning a logical identifier to the digital data call associated with the subscriber line (see col. 12, lines 42-54). As one of skill in the art, readily appreciates that in assigning a logical identifier to the digital call from a subscriber will have to be assigned an address for the call to reach its destination and associating a call with the subscriber line is inherent in that without associating the call with a particular port or subscriber line the call cannot be routed. For example, if a call is forwarded from a network 64 and to be routed to subscriber 12 (as shown in figure 1 – McHale), it is necessary that the call is to be associated to a port or subscriber line coupled to subscriber 12 (claims 37 and 39).

Although it is obvious from figure 1 (McHale), that digital data is transmitted via communication server 58 and router 60 to the destination 64 bypassing switch 56, nonetheless, switch 56 is associated with voice communication network. Farris, in the same field of endeavor discloses a system wherein bypassing routine of digital data transmission are disclosed (see col. 13, lines 25-50).

It is, therefore, obvious to one of skill in the art, at the time of invention, to modify McHale by utilizing bypassing routine of Farris in order to improve data service as sought by McHale (see col. 4, lines 37-47).

Claims 41-47. All the limitations are discussed above in the rejection of claims 32, 37-39. Additional limitation (claim 41) of "...converting the digital data call to a digital data stream..." is disclosed by Farris wherein the gateway servers 20 convert the digital data call, for digital transmission, into data stream by multiplexing through the data

network or through an ISDN channel and transmitting the data [*NOTE: in the absence of specific description of "digital data call" and "data stream", the Examiner broadly interpreted "digital data being the data sitting in the memory, and "data stream is the data being multiplexed and transmitted"*].

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

White et al. (US 6,069,890)


Forslow (US 6,608,832)

Jonas et al. (US 6,137,792)

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272 3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**AFSAR QURESHI**  
**PRIMARY EXAMINER**

September 30, 2005